

**TOWN OF ELSMERE
COUNCIL MEETING MINUTES
REVISED
OCTOBER 14, 2010
COUNCIL CHAMBERS
6:30 p.m.**

CALL TO ORDER: Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 ST DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 ND DISTRICT	STEVEN BURG	PRESENT
3 RD DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 TH DISTRICT	CHARLES MCKEWEN	PRESENT
5 TH DISTRICT	JOANN I. PERSONTI	PRESENT
6 TH DISTRICT	JOHN N. PASQUALE, JR.	ABSENT (excused)

Town Manager, John Giles – Present
Town Solicitor, Edward McNally – Present
Chief Scott McLaren – Present

PUBLIC COMMENT:

Ms. Claire Johnston of 18 Richard Avenue strongly expressed her concerns regarding the flooding that is occurring in her area. She requested to have FEMA brought in to look into the situation. She further explained how FEMA works regarding their policies.

Town Manager, John Giles explained he received a response that FEMA came out and conducted elevation studies, and they are very adamant on where the flood plain is, and in this case Ms. Johnston is below the flood plain. He further stated it is a requirement of the Federal law that anyone below it is in a flood plain.

At this time there was a lengthy discussion regarding FEMA, flood plains and the flooding that has occurred in the past throughout the Town.

PUBLIC COMMENT continued:

Ms. Alexandra Gawel of 207 Rosemont Drive commented she is currently a student at the University of Delaware where she is involved with the politics on campus. She further stated she would like to become more active in the Town and will be coming around more often in the future.

APPROVAL OF MINUTES:

Mayor and Council considered the approval of the Minutes of the July 01, 2010 Special Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the Minutes of the July 01, 2010 Special Council Meeting, with no corrections. The motion was seconded by Councilman Novak.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered the approval of the Minutes of the August 12, 2010 Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the Minutes of the August 12, 2010 Council Meeting, with one minor correction on page nine (9), third paragraph, the word after Delaware should be “Legislature”, not “City”. Mayor Norkavage pointed out on page eight (8) the word after speed should be “trailer”, not “trap”. The motion was seconded by Councilman Jaremchuk.

VOTE:

5 – 0, with 1 – Absent, 1 - Abstained

Motion carried

Councilman Novak abstained due to being absent from the August 12, 2010 Council Meeting.

Mayor and Council considered the approval of the Minutes of the September 9, 2010 Council Meeting.

ACTION: A motion was made by Councilwoman Personti to approve the Minutes of the September 9, 2010 Council Meeting, with no corrections. The motion was seconded by Mayor Norkavage.

VOTE:

6 – 0, with 1 – Absent

Motion carried

OLD BUSINESS:

None

NEW BUSINESS:

Mayor and Council considered for First and Second Reading of Ordinance 524.

An Ordinance amending Ordinance 521 which requires the registration and payment of fees for vacant properties.

ACTION: A motion was made by Councilwoman Personti to approve for First and Second Reading of Ordinance 524. The motion was seconded by Councilman Jaremchuk.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered for First and Second Reading of Ordinance 525.

An Ordinance amending Chapter 184 of the Code of the Town of Elsmere concerning Satellite Dish Antennas.

Councilman Novak read the synopsis of Ordinance 525.

ACTION: A motion was made by Councilman Novak to approve for First and Second Reading of Ordinance 525. The motion was seconded by Councilman Burg.

VOTE:

6 – 0, with 1 – Absent

Motion carried

Mayor and Council considered a request by the Department of Public Safety to allocate an additional \$9,000.00 to the department's salary line item.

Mr. Giles mentioned that in reviewing minutes regarding the hiring of the new Chief, it was learned that the salary of the new Chief was budgeted for in the amount of \$9,000.00 which is below what Mayor and Council authorized the payment to be upon his hiring. Therefore, this money needs to be put into the budget.

Councilman Novak thought the difference was made up due to Chief McLaren not taking medical.

Councilman Burg echoed Councilman Novak's comment. He further requested Mr. Giles if this could be further looked into.

Administrative Assistant, Linda Sommermann stated at the Budget Hearing it went from \$0.00 to \$69,000.00, but regarding the benefit package for a family plan, there was \$10,000.00 put in the budget.

Mr. Giles' recollection was, at that time, then Acting Chief, Lieutenant Workman did not allocate any money for the Chief or for benefits in the budget. He further stated this issue will be looked into further and it would be brought back up at the November Council Meeting.

ACTION: A motion was made by Councilman Burg to Table the consideration of allocating an additional \$9,000.00 to the Department of Public Safety's salary line item until the November Council Meeting. The motion was seconded by Councilman Novak.

VOTE:

6 – 0, with 1 – Absent

Motion carried

DEPARTMENTAL REPORTS:

Code Enforcement:

Mr. Giles reported the hiring of a new part-time Code Officer is being looked into.

Finance:

Finance Director, Joseph Schulcz updated Mayor and Council on the affects of the First Time Homebuyers waiver which resulted in the net cost to the Town being approximately \$18,492.92.

Public Safety:

Chief McLaren reported on the following issues:

- During the last flood in the Town one of the police officers' vehicles became stuck while checking for high water. The vehicle was towed and did sustain minor damage.
- A fourteen (14) year old girl was physically assaulted on Maple Avenue last Saturday evening by a Mexican male. They will be doing a lit drop of the composite drawing of the suspect. He will continue to keep everyone informed.
- In the near future he hopes to conduct tests for the rank of Sergeant.
- Provided a list of meetings he attended in the month of September.
- Traffic statistics.
- Addressing issues for repeat offenders.
- If Mayor or Council has any constituents that want to meet with him in the evening he would be more than willing to do so.

At this time there was discussion regarding how many calls determines when it is considered to be a nuisance property. Chief McLaren stated it is three (3) calls but it also depends on the circumstances. He further explained how certain calls are held in cue depending on the priority of the complaint.

Councilman Jaremchuk reported he will be conducting three (3) separate Community Meetings which will be held for Rosemont, Silverbrook and Greenbrier.

Chief McLaren continued reporting on the following issues:

- The Evidence Room and the condition that it was in. They have downsized by getting rid of certain evidence that they are legally allowed to destroy. The old supply closet will now be the Evidence Room. All this can be accomplished at the cost of approximately \$1,000.00 versus \$75,000.00.
- The evidence lockers may also be moved to the new area as well.

Mayor Norkavage expressed her appreciation for the communication regarding the incident that occurred on Maple Avenue. She further commented on the plan of action of the steps that were going to be taken, and that the whole incident was not going to fall by the wayside.

Councilwoman Personti thanked Chief McLaren for meeting with the residents from Olga Road. She further suggested meeting to brainstorm in order to make children compliant through their parents regarding issues that involved youths.

Mayor Norkavage commented she would like the parents to be held responsible for their children's actions, especially when it comes to graffiti, vandalism or damage occurring.

Chief McLaren reported there are Intervention Specialists that kids are assigned through Family Court and are also ordered to go to special schools.

Chief McLaren requested Mayor and Council's permission to remove the gas tank that is located outside the Police Department since it could be very costly to the Town if a gas spill were to occur. He further stated he would look into DNREC to see if there is money available for this to take place and what it would entail.

Public Works:

Mr. Giles reported the new truck is expected to be delivered by the middle of November. He further stated the curbs are all painted and the drains have been caught up on and they will now be addressing the leaves that are starting to fall.

Town Manager's Report:

Mr. Giles reported on the following issues:

- The Administrative Assistant will be out again for a while due to health reasons. While she is out a temp has been hired to help out with the work load.
- The Christmas Parade will be held on December 4th with a rain date of December 5, 2010. He requested Mayor and Council to let him know if they were going to walk or ride in the parade.
- He asked Mayor and Council's permission to buy candy to give out at the last Movies in the Park Event which is being held on October 22, 2010. He further mentioned that businesses in the Town will also be at this event and will be giving out candy and other items as well.

Mayor and Council verbally agreed to Mr. Giles request in order to purchase candy for the aforementioned event.

Town Manager's Report continued:

- The phone company is able to do e-billing which we are waiting for a website in order to set this up with them. He further stated this will be looked into with all of our accounts in order to do e-billing.
- Brought to Mayor and Council's attention the possibility of taking a room back from either the Recreation Center or the Senior Center since we are in need of space for records to be stored.

Chief McLaren displayed the Halloween bag and the items inside the bag that will be given out at the Movies in the Park Event being held on October 22, 2010.

Mr. Giles reported at the Planning Commission Meeting they were considering a recommendation to the Board of Adjustments concerning additional cell phone provider be placed on the Fire House antennae . During that meeting, Commissioner Bob Swain questioned why the Town didn't pursue putting up a tower and leasing the land. He further stated it needs to be looked into legislatively.

Councilman Burg reported the dish that is at the Elsmere Fire House is the same dish being put on St. Francis Hospital.

Councilwoman Personti reported Hawkins & Sons has a huge sign with an arrow on it that is in our parkland.

Mr. Giles stated this would be looked into further.

ITEMS SUBMITTED BY MAYOR AND COUNCIL:

Councilman Jaremchuk and Councilwoman Personti recently attended a meeting in Westover Hills regarding the Stoltz Project. At this meeting, New Castle County Planning reported the water flow would not increase. Councilman Jaremchuk disagrees with this. Also, as a result of that meeting, they were invited to attend a CRG Board Meeting which they also attended. During this meeting, pictures of flooding that had occurred in the Town over the years was requested, which Councilman Jaremchuk provided them to Patty DuPont Hobbs. They are taking into consideration all the information that was provided to them.

Councilwoman Personti commented about the statement that County Executive, Chris Coons made in regards to his letter of his successful ex-parte mediation. In this letter he comments there are no more concerns regarding flooding in the Town of Elsmere. She further stated she found this comment to be very misleading and very deceptive. Also, in exchange for this new plan they would be able to apply for some zoning changes along Route 141 for commercial.

PUBLIC COMMENT:

Mr. David Lilly of 8 Spruce Avenue strongly expressed his concerns regarding the flooding in the Town. He further suggested about possibly having catch basins, reflection pool or waterfalls to help rectify this issue.

Councilman Jaremchuk commented that he does not want a study, but would prefer an informal document from our engineers saying they think the project would increase the problem in the Town of Elsmere.

Councilwoman Personti would like our engineers to comment on how the properties existed in the year 2000 up until present, and then the addition of the Stolz Project since she feels it would have a significant impact. She further commented if there are going to be major issues with this project, would there be any way to encourage these company's or New Castle County, to contribute financially to our storm water management system.

Town Solicitor, Edward McNally stated the law in Delaware with respect to storm water runoff, is completely independent of them. Basically, if the studies showed that the water flow was being increased due to this project, the Town would be able to block this project.

At this time, discussion continued concerning the flooding in the Town of Elsmere and also regarding the Stolz Project.

Resident, Mr. David Lilly suggested to print out images of Barley Mill Plaza, Chesnut Run and of the Elsmere area as it exists now before any changes occur.

Councilman Jaremchuk reported he received a phone call at 1:45 a.m. during the last flood, and he rode the streets with Mr. Giles and Councilman Burg. He further stated it was a sight to behold. Little Mill Creek flooded over which closed Kirkwood Highway, Chestnut Run flooded over into Serpe's and the day care, and numerous other streets throughout the Town also flooded.

Councilman Burg commented about the cracks in the bridge that they noticed once the water had gone down.

Councilwoman Personti expressed her concerns about the bridge being unsafe.

Councilman Burg commended the Public Works employees for their hard work during the flood. He further asked if the Public Works Department could be supplied with better work gear for when situations like this occur.

Councilman Jaremchuk commented on the excellent communication the night of the flood between the Town Administration, Public Safety Department and the Elsmere Fire Company.

PUBLIC COMMENT:

None

ADJOURNMENT:

ACTION: A motion was made by Councilman Burg to adjourn. The motion was seconded by Councilman Jaremchuk.

VOTE:

6 – 0, with 1 – Absent

Motion carried

The meeting was adjourned at 8:18 p.m.

These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.

DEBORAH A. NORKAVAGE
MAYOR

JOANN I. PERSONTI
SECRETARY